

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LOFUL ELYARDO,
Petitioner

v.

CRAIG LOWE,
Respondent

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No. 1:23-cv-01089

(Judge Kane)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On June 29, 2023, pro se Petitioner Loful Elyardo (“Petitioner”), a native and citizen of South Sudan, initiated this case by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued detention by United States Immigration and Customs Enforcement (“ICE”) pending his removal from the United States. (Doc. No. 1.) At the time he filed the petition, Petitioner was detained in Pike County Correctional Facility, located in this district. Petitioner was subsequently transferred to Moshannon Valley Processing Center, located in the Western District of Pennsylvania.¹ (Doc. No. 11 at 1.) Before the Court is Petitioner’s motion to transfer this case to the United States District Court for the Western District of Pennsylvania based on his transfer to Moshannon Valley Processing Center. (Id.)

The Court will deny the motion. When a habeas corpus petition is filed in the petitioner’s district of confinement pursuant to 28 U.S.C. § 2241 and the petitioner is subsequently transferred to another district, the original court retains jurisdiction over the petition. See

¹ An independent search of ICE’s online detainee locator system indicates that Petitioner may no longer be in ICE custody. See Online Detainee Locator System, ICE, <https://locator.ice.gov/odls/#/index> (last visited Oct. 23, 2023). By separate Order on this date, the Court has directed Respondent to provide additional information on whether Petitioner remains in ICE custody.

Anariba v. Dir. Hudson Cnty. Corr. Ctr., 17 F.4th 434, 446 (3d Cir. 2021). Accordingly, the Court finds no basis for this case to be transferred.

AND SO, on this 23rd day of October 2023, upon consideration of the foregoing, **IT IS ORDERED THAT** Petitioner's motion to transfer this case to the Western District of Pennsylvania (Doc. No. 11) is **DENIED**.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania